

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

L.I.S.T., INC., On Behalf of Itself and All Others Similarly Situated,	:	Civil Action No. 7:05-CV-02189-CM
Plaintiff,	:	<u>ELECTRONICALLY FILED</u>
vs.	:	<u>CLASS ACTION</u>
VEECO INSTRUMENTS, INC., et al.,	:	
Defendants.	:	
ROY P. KERSHAW, Individually and On Behalf of All Others Similarly Situated,	:	Civil Action No. 7:05-CV-02929-CM
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
VEECO INSTRUMENTS, INC., et al.,	:	
Defendants.	:	

DECLARATION OF MARIO ALBA, JR. IN SUPPORT OF MOTION TO APPOINT NECA-IBEW PENSION FUND (THE DECATUR PLAN) AS LEAD PLAINTIFF, TO APPROVE LEAD PLAINTIFF'S CHOICE OF LEAD COUNSEL PURSUANT TO §21D(a)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934, AND TO CONSOLIDATE RELATED ACTIONS PURSUANT TO RULE 42 OF THE FEDERAL RULES OF CIVIL PROCEDURE

I, Mario Alba, Jr., declare as follows:

1. I am an attorney duly licensed to practice before the courts of the State of New York.

I am associated with the law firm of Lerach Coughlin Stoia Geller Rudman & Robbins LLP, counsel for NECA-IBEW Pension Fund (The Decatur Plan) ("NECA") and proposed lead counsel for the class. I make this declaration in support of the Motion to Appoint NECA-IBEW Pension Fund (The Decatur Plan) as Lead Plaintiff and to Approve Lead Plaintiff's Choice of Lead Counsel Pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934, and to Consolidate Related Actions Pursuant to Rule 42 of the Federal Rules of Civil Procedure. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached are true and correct copies of the following exhibits:

Exhibit A: Sworn Certification executed by NECA;

Exhibit B: Chart of NECA's Purchases and Losses;

Exhibit C: Notice of class action filed against Veeco Instruments, Inc., published on *PrimeZone Media Network* on February 15, 2005; and

Exhibit D: Lerach Coughlin Stoia Geller Rudman & Robbins LLP Firm Resume.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 18th day of April, 2005, at Melville, New York.

/s/ *Mario Alba, Jr.*

MARIO ALBA, JR.

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 401 B Street, Suite 1600, San Diego, California 92101.

2. That on April 18, 2005, declarant served the **DECLARATION OF MARIO ALBA, JR. IN SUPPORT OF MOTION TO APPOINT NECA-IBEW PENSION FUND (THE DECATUR PLAN) AS LEAD PLAINTIFF, TO APPROVE LEAD PLAINTIFF'S CHOICE OF LEAD COUNSEL PURSUANT TO §21D(a)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934, AND TO CONSOLIDATE RELATED ACTIONS PURSUANT TO RULE 42 OF THE FEDERAL RULES OF CIVIL PROCEDURE** by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 18, 2005, at San Diego, California.

/s/ Diana L. Houck

DIANA L. HOUCK

VEECO INSTRUMENTS (SDNY)

Service List - 4/18/2005 (05-0043N)

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